

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
ORANGEBURG DIVISION

)	
Brian Cowan and Lori A. Cowan,)	Civil Action No.: 5:23-4817-TLW
)	
Plaintiffs,)	
)	COMPLAINT
vs.)	(Jury Trial Requested)
)	
)	
Mary Hunter Hyche,)	
Defendant.		

PARTIES JURISDICTION AND VENUE

1. Plaintiff Brian Cowan is a citizen and resident of Saint Augustine, Florida.
2. Plaintiff Lori A. Cowan is the wife of Brian Cowan and is a citizen and resident of Saint Augustine, Florida.
3. Defendant Mary Hunter Hyche is a citizen and resident of Greenville, South Carolina.
4. Diversity of citizenship exists between Plaintiffs and the Defendant. The matter in controversy exceeds the sum of \$75,000.00. Jurisdiction of this Court is pursuant to 28 U.S.C. §1332.
5. Venue of this action is properly set in this Division in that a substantial part of the events or omissions giving rise to the claims set out herein occurred within this Division.

FACTS

6. That on or about July 31, 2022, at approximately 5:45pm Mr. Cowan was operating his motor vehicle westbound on Interstate 26 outside the town of Saint Matthews, in

Calhoun County, South Carolina. Mr. Cowan had slowed and stopped his vehicle due to stopped traffic in front of him.

7. At the time and place described above, Mary Hunter Hyche, was operating her motor vehicle directly behind Mr. Cowan. Ms. Hyche failed to slow and stop her vehicle and collided with the rear end of Mr. Cowan's vehicle.

8. As a result of the incident, Brian Cowan suffered serious injuries to his body including but not limited to injuries to his neck, lower back, upper right arm, and elbow. As a result of the physical trauma of the incident, Mr. Cowan has incurred medical, hospital, and doctor bills and will suffer such damages in the future. Brian Cowan has endured and will in the future endure physical pain, suffering, mental anguish, emotional distress, loss of enjoyment of life, disfigurement and impairment of health and bodily efficiency. Mr. Cowan has incurred property damage as a result of the wreck, including depreciation and towing expenses. Mr. Cowan has lost income due to the wreck.

9. As a result of the injuries and damages suffered by Mr. Cowan, Mrs. Cowan lost the comfort, companionship, and consortium of her husband; the services provided by her husband, and other marital obligations.

**CAUSE OF ACTION
(Negligence)**

10. Defendant Mary Hunter Hyche was negligent, careless, reckless, grossly negligent, willful and wanton at the time and place above mentioned in the following particulars:

- a. In failing to maintain the proper look out;
- b. In failing to maintain proper control of her vehicle;
- c. In following too closely;
- d. In failing to take evasive action to avoid the accident;

- e. In driving too fast for conditions;
- f. In failing to pay proper attention to the traffic in front of her;
- g. In failing to exercise degree of care which a reasonable prudent person would have exercised under the same circumstances;
- h. In colliding with the Plaintiff's vehicle;

All of which combined and concurred as a direct and proximate cause of the injuries and damages suffered by the Plaintiffs herein.

WHEREFORE, the Plaintiffs pray for judgment against Mary Hunter Hyche in a sum sufficient to adequately compensate them for their actual damages, for such punitive damages as a jury may reasonably award, for the cost of this action, and for such other and further relief as this court may deem just and proper.

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September 26, 2023

Columbia, South Carolina